

TESTIMONY OF
THE CONNECTICUT COALITION OF PROPERTY OWNERS
BEFORE
THE LEGISLATURE'S PLANNING & DEVELOPMENT COMMITTEE
WEDNESDAY, MARCH 10, 2010

Good morning, my name is Paul Rosow. I am a landlord and property owner and the President of Connecticut Coalition of Property Owners ("CCOPO"). I am here today to testify regarding the storage of evicted tenants' possessions mandate addressed by the following proposed bills:

HB 5255 AAC Municipal Mandate Relief.

The Connecticut Coalition of Property Owners is in all likelihood the largest landlord organization in Connecticut with members throughout Connecticut and several chapters, including the:

- Bridgeport Property Owners' Association,
- Greater Hartford Property Owners' Association,
- Stamford Property Owners' Association, and the
- Connecticut Association of Real Estate Investors.

Collectively, we represent approximately 25,000 rental units in Connecticut.

CCOPO opposes HB 5255. The bill would shift the responsibility to remove, store, advertise and auction the personal property of an evicted tenant which has been left behind, to Marshals and landlords. Marshals are not moving and storage companies. Any costs that they incur would be passed through to the people that have to pay for their services, in this case the innocent landlord.

Shifting the requirement of providing a free service to evicted tenants is unnecessary, costly and particularly unfair. What has the landlord done wrong? Please consider what occurs during the eviction process and that 95% of all evictions in Connecticut result from nonpayment of rent.

An eviction occurs only after a lengthy process during which tenants are extended full due process rights. Property owners frequently have not been paid rent for months before Summary Process is even begun. When the Courts ultimately rule for the owner and order eviction of the tenant, the landlord's expenses are only beginning.

Upon judgment in favor of the landlord by the Housing Court, a writ of execution is issued. The landlord must then pay a State Marshal to serve the writ and remove the tenant from the property. Then the landlord then must pay a mover to box and move any possessions that the former tenant has left behind. The landlord must move the evicted tenant's personal property to a municipal truck.

The city or town then must take the personal property to a storage facility and store it for 15 days. Then the municipality must pay to publish legal notice and to attempt to auction the personal property. Anything which is not sold at auction, which is overwhelmingly the result, then is disposed of at the town's transfer station.

But, the landlord's costs are not finished yet. After the tenant's possessions are removed, the landlord must clean and repair the unit. Frequently, evicted tenants damage the property and cleaning and repairs can be costly.

Please consider the attached exhibit entitled "The Unfair Costs Of Eviction." It demonstrates that the landlord's costs dwarf those of the municipalities.

A tenant that has been evicted by court order should bear the cost of removing and storing their personal property. Taxpayers and landlords should not have to pay those costs. If removal and storage of an evicted tenant's personal property is a social service that is to be continued, tenants should pay for it.

CCOPO stands ready to work with all parties to resolve this issue. We have offered a solution to this problem in the past that assists evicted tenants while eliminating costs to the innocent parties (the taxpayers and the property owners) who have done nothing wrong. However, this bill HB 5255 should not pass. It punishes and taxes the innocent. Whether the landlord is an elderly couple dependent on the rental income or a small businessperson trying to make a living, the additional expense should not be dumped on them. The responsibility for an evicted tenant's personal property belongs to the tenant and not to taxpayers or landlords.

This completes my testimony. Thank you for your consideration.

THE UNFAIR COSTS OF EVICTION

95 % of all evictions are for nonpayment of rent. The following sets forth typical costs incurred by property owners, municipalities and tenants per eviction.

<u>Property Owner</u>	<u>Municipality</u>	<u>Tenant</u>
Service of Notice to Quit	\$ 40	Move out
Service of Summons & Complaint (ave.)	\$ 50	15 days Storage
Attorneys Fee	\$ 500	3 months rent
Service of Execution & Notify Town (ave)	\$ 65	-free-
Move out charges from movers		
Per 2 BR Apt. incl. boxes & tape (ave)	\$ 650	
State Marshal fee (ave. hours)	\$ 150	
Average cleaning & repair costs after eviction	\$1,500	
Average Loss of 3 months rent	\$2,400	
<u>Total Property Owners Cost</u>	<u>\$5,355</u>	
	<u>Total Municipal Cost</u>	<u>\$375</u>
		<u>Total Evicted Tenant \$ 0</u>

The Connecticut Coalition of Property Owners recommends that the following plain language notice be placed in all residential leases, as well in the following documents involved in Summary Process: TENANTS ARE RESPONSIBLE FOR THE REMOVAL OF THEIR POSSESSIONS AFTER EVICTION. PERSONAL PROPERTY REMAINING FIVE DAYS AFTER A JUDGMENT AND EVICTION MAY BE DISPOSED OF WITHOUT LIABILITY BY THE OWNER OF THE DWELLING UNIT.

Notice to Quit
 Summons
 Complaint
 Defendant Appearance
 Defendant Answer To Complaint
 Reply To Special Defenses
 Motion For Failure To Reply
 Stipulation
 Notices From the Court (hearings)
 Writ of Execution
 Court Decisions.

